

FINANCE DEPARTMENT

The 21st February, 1975

No. 2782-TA-16(1T)-75/1644.—Shri P. S. Sapra, on promotion took overcharge of the post of Accounts Officer in the pay scale of Rs. 600—35—740/40—1,100, in the office of the Chief Engineer, P. W. D., B & R, Haryana, Chandigarh, on the afternoon of the 30th March, 1974.

S. N. BHANOT,

Secretary.

HARYANA STATE LOTTERIES

CORRIGENDUM

The 4th February, 1975

No. DOL/HR/75/1237-A.—In the Haryana State Notification No. DOL/HR/75/1237, dated the 4th February, 1975 pertaining to the appointment of Judges for the supervision of 2nd Mini Draw to be held on Wednesday, the 5th February, 1975.

Read "Under Secretary to Government, Haryana (Retired)" in place of Deputy Secretary to Government, Haryana (Retired) as shown in line 2 of Serial No. 6 of Haryana Government Gazette, dated the 4th February, 1975, Part I, Page 176.

The 6th/7th March, 1975

No. DOL/HR/75/2947.—It is notified for the information of the general public that the following tickets of the 63rd Bumper Draw of Haryana State Lotteries are hereby cancelled as these tickets have been lost in transit. These tickets shall not be eligible for prize in the Final Draw scheduled to be held on 10th March, 1975.

Series D 5,67,001—5,67,200.

H. K. JAIN, IAS,

Director of Lotteries and
Deputy Secretary to Government, Haryana,
Finance Department.

LABOUR DEPARTMENT

The 6th March, 1975

No. 1388-4Lab-74/6665.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Refrigeration Accessories Ltd., Mathura Road, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 47 of 1971

between

SHRI SANT BAHADUR AND THE MANAGEMENT OF M/S REFRIGERATION ACCESSORIES
LTD., MATHURA ROAD, FARIDABAD

Present:—

Shri Amar Singh Sharma, for the workman.

Shri D. C. Bhardwaj, for the management.

AWARD

Shri Sant Bahadur Workman concerned was in service of M/s Refrigeration Accessories Ltd., Mathura Road, Faridabad. His services were allegedly terminated by the management on 12th September, 1970 without any justification. This gave rise to an industrial dispute which was referred for adjudication to this court vide order No. ID/FD/405A/10995-99, dated 15th April, 1971 of the Governor of

Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, with the following term of reference:—

“Whether the termination of services of Shri Sant Bahadur was justified and in order? If not, to what relief is he entitled?”

The parties put in their respective pleadings. The management contested the claim of the workman mainly on the ground that he had been guilty of a charge of mis-conduct which had been duly established in a properly conducted domestic enquiry.

It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties. These statements have been recorded. The management has agreed to pay Rs. 800 to the workman within one week, in full and final settlement, of his entire claims, and he has given up his right of reinstatement or re-employment.

In view of the above, no further proceedings are called for and the award is made in terms of the above settlement arrived at between the parties. The management shall pay to the workman Rs. 800 in full and final settlement of his entire claims, and he shall have no right of reinstatement or re-employment. In the circumstances, there shall be no order as to costs.

Dated 24th January, 1975.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 225, dated 28th January, 1975.

Forwarded, four copies, to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 878-4Lab-74/6671.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Consolidated Plastics, Sector-6, Plot No. 39, Faridabad:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 151 of 1974

between

SHRI RAM KISHAN, WORKMAN AND THE MANAGEMENT OF M/S CONSOLIDATED PLASTICS,
SECTOR-6, PLOT NO. 39, FARIDABAD

Present.—

Nemo, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/144-73/34157, dated 7th October, 1974 of the Governor of Haryana, the following dispute between the management of M/s Consolidated Plastics, Sector-6, Plot No. 39, Faridabad and its workman Shri Ram Kishan was referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Kishan was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference usual notices were given to the parties. The workman concerned has not appeared in spite of service nor his authorised representative Shri Sunhari Lal. The

management, on the other hand, has filed a memorandum of settlement arrived at between the parties. Shri R. C. Sharma authorised representative of the management has sworn testimony to the correctness of the alleged settlement which was brought about in his presence and he had calculated the amount due to the workman. According to the settlement Shri Ram Kishan workman concerned has received payment of Rs. 405, in full and final settlement of his entire claim against the management giving up his right of reinstatement or re-employment. There is apparently no reason to disbelieve the plea of the settlement of the dispute raised on behalf of the management, especially when the workman concerned is not coming forward to pursue his claim.

In view of the above, no further proceedings are called for and a no-dispute award is given in terms of the above settlement arrived at between the parties holding that Shri Ram Kishan workman concerned is not entitled to any other relief. There would, however, be no order as to costs.

Dated 7th January, 1975.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 43, dated the 13th January, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated 13th January, 1975.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1384-4 Lab-74/6671.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s American Universal Electric (India) Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 210 of 1972

between

SHRI ASHARFI LAL AND THE MANAGEMENT OF M/S AMERICAN UNIVERSAL
ELECTRIC (INDIA) LTD., FARIDABAD.

Present.—

Shri Darshan Singh, for the workmen.

Shri S. L. Gupta, for the management.

AWARD

By order No. 1D/FD/32448-52, dated 23rd August, 1972 of the Governor of Haryana, the following dispute between the management of M/s American Universal Electric (India) Ltd., Faridabad and its workman Shri Asharfi Lal was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Asharfi Lal, was justified and in order? If not, to what relief is he entitled?”

The parties put in their respective pleadings giving rise to the following 3 issues:—

1. Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation? If not, to what effect?

2. Whether it is a case of self abandonment of service by the workman and is not covered by section 2-A of the Industrial Disputes Act, 1947?
3. Whether the termination of services of Shri Ashrafi Lal was justified and in order? If not to what relief is he entitled?

The workman concerned has led some evidence by making his own statement besides producing some documents. The management had yet to lead its evidence. It is, however, not necessary to go into the merits of the case and the issues involved as the parties have arrived at an amicable settlement. Their statements have been recorded. The management has paid Rs. 6000 to the workman concerned today before the court. In full and final settlement of his entire claims including wages, gratuity, bonus etc., and he has foregone his right of reinstatement or re-employment.

There is thus no dispute left between the parties and a no dispute award is given, in terms of the above settlement holding that the workman concerned is not entitled to any other relief by way of reinstatement etc. There shall be no order as to costs.

Dated 24th January, 1975.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 221, Dated 28th January, 1975

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 882-4Lab-74/6673.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Chesko India Chartered Engineer and Cinkers Company IE/BP-18, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA FARIDABAD

Reference Nos. 139 of 1974 and 136 of 1974

between

THE WORKMAN SHRI HEM SINGH AND THE MANAGEMENT OF M/S CHESKO INDIA CHARTERED ENGINEER AND CINKERS COMPANY, IE/BP-18, FARIDABAD

Present—

Nemo for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/856-A-74/31498, dated 4th September, 1974 of the Governor of Haryana, the following dispute between the management of M/s Chesko India Chartered Engineer and Cinkers Company, IE/BP-18, Faridabad and its workman Shri Hem Singh was referred for adjudication to his Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Hem Singh was justified and in order? If not, to what relief is he entitled?

The parties put in their respective pleadings. The workman concerned reiterated his claim for reinstatement and payment of back wages with the allegations that his services had been illegally terminated. The management, on the other hand, pleaded that, as a matter of fact, he had voluntarily resigned service and as such his case was not covered by section 2-A of the Industrial Disputes Act, 1947. The workman was required to put in his replication. No replication has been filed. He has further elected not to appear in person or through authorised representative to pursue his claim.

Statement of Shri R. C. Sharma, authorised representative of the management has been recorded. He has proved the resignation of the workman Exhibit M. 1 which according to him is in his hand and signed by him. He has further stated that the resignation was duly accepted by the management. There is apparently no reason to disbelieve the plan of the management especially when the workman concerned has chosen not to appear and pursue his claim.

In view of the above no further proceedings are called for. This being a case of self resignation by the workman concerned is apparently not covered by section 2-A of the Industrial Disputes Act, and that being so, the reference itself is invalid. He is not entitled to any relief by way of reinstatement. He is however at liberty to collect his unpaid dues, if any, from the management on any working day during working hours as stated by Shri R. C. Sharma. The award is made accordingly. There shall, however, be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 7th January, 1975.

No. 41, dated the 13th January, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 13th January, 1975.

No. 1692-4Lab-74/6674.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the Management of M/s National Laboratories 20, Mathura Road, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 180 of 1974

between

SHRI MAM RAJ WORKMAN AND THE MANAGEMENT OF M/S NATIONAL LABORATORIES,
20, MATHURA ROAD, FARIDABAD

Present.—

Nemo, for the workman.

Shri K. P. Aggarwal, for the management.

AWARD

By order No. ID/FD/74/37648, dated 19th November, 1974 of the Governor of Haryana, the following dispute between the management of M/s National Laboratories, Mathura Road, Faridabad and its workman Shri Mam Raj was referred for adjudication to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Mam Raj was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference, usual notices were given to the parties. The workman concerned has not filed any statement of claim and he has further elected not to appear in person or through authorised representative in spite of due service and two adjournments granted in the case. It has been stated on behalf of the management that, as a matter of fact, it is a case of self abandonment of service by the workman. Statement of Shri K. P. Aggarwal, authorised representative of the management has been recorded.

According to Shri K. P. Aggarwal, this workman had left service of his own accord and is not interested in the job in this Company because he has joined service somewhere else. There is apparently no reason to disbelieve the sworn testimony of Shri Aggarwal and on the facts brought on record, I am of the considered view that it is in fact a case of self abandonment of service by the workman concerned who has allegedly joined service in some other concern and as such he is not entitled to any other relief by way of reinstatement or payment of back dues. The award is made accordingly but without any order as to costs.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 21st January, 1975.

No. 70, dated 21st January, 1975.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 21st January, 1975.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1079-4Lab-74/6675.—In pursuance of the provisions section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s The Management of Haryana State Electricity Board, Chandigarh:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK.

Reference No. 178 of 1972

between

SHRI R.P. BANSAL AND THE MANAGEMENT OF M/S THE HARYANA STATE ELECTRICITY
BOARD, CHANDIGARH

Present—

Shri R. P. Bansal, for the workman.

Shri R. L. Gupta, for the management.

AWARD

Shri R. P. Bansal was in the service of the Haryana State Electricity Board, Chandigarh as an Upper Division Clerk. His services were terminated by the management w. e. f. 4th February, 1971. Feeling aggrieved, he raised a demand for reinstatement contending that the termination of his services had been brought about illegally and without justification. His demand was not acceded to by the management. This gave rise to an industrial dispute and the matter was taken up for conciliation,—vide demand notice dated 17th August, 1971 which also ended in failure.

On receipt of the failure report from the conciliation officer, the Governor of Haryana referred the above dispute for adjudication to this court,—vide order No. ID/CHA/95-71/20285-88, dated 13th June, 1972, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, with the following term of reference:—

“Whether termination of services of Shri R. P. Bansal, was justified and in order? If not, to what relief is he entitled?”

The parties put in their respective pleadings. The only issue which arose for determination in the case was as per the term of reference stated above.

After leading some evidence, the parties have arrived at an amicable settlement as per terms and conditions given in their joint application Ex. M. 1. Their statements have been recorded.

According to the settlement, the management has agreed to reinstate Shri R. P. Bansal workman concerned on the same terms and conditions of service as enjoyed by him when his services were terminated provided he reports for duty to the Chief Engineer (Operation), Haryana State Electricity Board, Chandigarh within a week to receive the order of his appointment in Karnal or Faridabad Operation Circle as desired by him. It has further been agreed that the intervening period will be treated as on leave without pay but he would not be entitled to any salary or other allowances for this period.

In view of the above, no further proceedings are called for in the instant case and the award is given in terms of the above settlement arrived at between the parties by which they shall be bound. There shall be no order as to costs.

Dated 15th January, 1975.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 159, dated 18th January, 1975

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.